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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,500	07/07/1999	MASAHIDE HIRASAWA	35.C13649	5327

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EXAMINER

GENCO, BRIAN C

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/30/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/348,500

Applicant(s)

HIRASAWA, MASAHIRO

Examiner

Brian C Genco

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 16, 18, 20-23, 25-29, 35, 37, 58-61, 63-67, 73, 75 and 77-83 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 16, 18, 20-23, 25-29, 35, 37, 58-61, 63-67, 73, 75, and 77-83 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Applicant's amendment filed April 19, 2004 has been fully considered by the Examiner but is not deemed persuasive.

Examiner thanks Applicant for amending the drawings as requested.

Applicants amendment has overcome the rejections based on the Tomaszewski reference presented previously. Further, Applicant's amendment has overcome the 35 U.S.C. 102(e) rejection by Endsley.

Applicant argues that Nishitani fails to disclose or suggest a camera connected to an external control apparatus which sets control data into the camera through a communication lines, as disclosed and claimed in the present invention and further that Nishitani does not add anything to the Endsley reference that would make the claimed invention obvious.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Examiner notes that the combination of the references as a whole does teach the claimed limitations as noted in the new grounds of rejection presented bellow. Examiner notes that the Nishitani reference was relied upon to teach the automatic setting of camera exposure settings corresponding to a photographing environment, not the external control apparatus which sets control data into the camera through a communication lines. Examiner notes that it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be

reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the Nishitani reference is reasonably pertinent to the particular problem with which the applicant was concerned, namely providing preset exposure settings corresponding to different photographing conditions.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6-10, 25-29, 44-48, 63-67, and 80-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 6,005,613 to Endsley et al) in view of (USPN 5,184,169 to Nishitani).

In regards to claim 1 Endsley discloses an image pickup control apparatus for controlling an image pickup apparatus via a data communications interface unit, comprising:

a storage unit which stores a plurality of kinds of control data for controlling the image pickup apparatus (e.g., the storage means is inherent in storing all of the different control variables shown in Table 1 on column 5);

a connection detecting unit which detects a connection to the image pickup apparatus via the data communications interface unit (e.g., the connection detecting means is inherent with the USB interface);

a guide unit which displays the plurality of kinds of control data for controlling the image pickup apparatus and guides a user to select desired control data (e.g., Figs. 3A and 3B);

a control unit which is communicatively coupled to said storage unit, said connection detecting unit and said guide unit, wherein in a case that said connection detection unit detects the connection to the image pickup apparatus, said control unit effects control so as to transmit to the image pickup apparatus the plurality of kinds of control data selected by said guide unit (e.g., column 5, lines 3-14; Fig. 1).

Endsley does not disclose nor preclude storing in accordance with a plurality of photographing conditions a plurality of kinds of control data, selecting a desired photographing condition via a guide unit, and transmitting the plurality of kinds of control data corresponding to the photographing condition selected to the image pickup apparatus.

Nishitani discloses exposure control cards 12 for automatically setting the exposure of the camera to correspond with an environment and photographing state of a subject depicted on the card (column 3, lines 1-14; column 4, lines 1-11). Therefore it would have been obvious to one of ordinary skill in the art to have enabled the selection of pre-stored exposure settings for an environment and photographing state of a subject as disclosed by Nishitani in order to automatically set the camera for various exposure events.

Examiner notes that Nishitani discloses that the pre-stored exposure settings be stored in cards, however it would have been obvious to one of ordinary skill in the art at the time of the invention to have had exposure settings pre-stored in Endsley's computer in order to generate multiple camera configurations in an automatic manner as suggested by Nishitani (note column 8, lines 35-36 of Endsley). As such, Examiner notes that it would have further been obvious to one of ordinary skill in the art to have depicted the pre-stored exposure settings in the guide screens of Figs. 3A and 3B with the pictures on Nishitani's cards so that a user can easily

Art Unit: 2615

determine the mode to which each pre-stored exposure setting corresponds (column 3, lines 10-14; Nishitani).

In regards to claim 2 note Figs. 3A and 3B, wherein in the bottom of Fig. 3B the Hue is adjusted, in the top of Fig. 3B the stop and shutter speed are adjusted, namely the exposure settings, and in the top of Fig. 3B the color density is adjusted though the selection of a color or gray scale picture as well as resolution setting.

In regards to claim 3 note column 3, line 66 – column 4, line 47, wherein a USB communication protocol is described. Note that the reception state of the image pickup apparatus is inherent in the description of both the SYNC field and the Handshake Packet, namely the communication cannot occur unless the bit recovery clocks are synchronized, wherein upon synchronization the camera is ready to receive data. Further, in any handshaking operation of data transfer it is necessary to have feedback from the apparatus being communicated with indicating it is ready for more data, in this case indicating transfer of data was successful, and thereby indicating a state in which more data can be sent.

In regards to claim 4 Endsley discloses camera registers 72 for storing camera configurations from the computer (column 5, lines 3-13).

In regards to claim 6 see Examiner's notes on the rejection of claim 1. Note that Nishitani discloses events such as landscape, portrait, wedding, sports, etc. wherein it would have been well within the skill of one of ordinary skill in the art to have also included evening photographing, close-up photographing, ski ground photographing, night scene photographing, etc. if necessary.

In regards to claim 7 Examiner notes that Nishitani discloses a model image printed on the card so as to enable a user to easily identify which exposure condition is on that card (column 3, lines 1-14). Therefore it would have been obvious to one of ordinary skill in the art to have displayed a model image of the photographing condition in the guide means in order to enable a user to identify which exposure condition is being set.

In regards to claim 8 see Examiners notes on the rejection of claim 6. Note that it would have been obvious to one of ordinary skill in the art at the time of the invention to have changed the control settings of the camera according to the model image so as to enable automatic change of exposure settings corresponding to depicted events.

In regards to claim 9 see Examiners notes on the rejection of claims 6 and 8.

In regards to claim 10 note that it is implied in the disclosure of Endsley that the registers can be re-written so as to enable a wide variety of combinations for camera settings.

In regards to claim 16 Examiner notes that the interface is a USB wherein a USB is a general digital interface.

In regards to claim 18 Examiner notes that an IEEE 1394 interface bus is very similar to a USB interface wherein it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a IEEE 1394 bus interface in order to enable higher data transfer rates.

In regards to claim 77 see Examiners notes on the rejection of claims 1 and 3.

In regards to claims 78 see Examiners notes on the rejection of claim 2.

In regards to claims 79 see Examiners notes on the rejection of claim 3. Note that utilizing the guide unit of Endsley is a manual setting mode.

In regards to claim 80 see Examiners notes on the rejection of claim 6.

In regards to claims 81-83 see Examiners notes on the rejection of claims 6-10.

Examiner notes that claim groups 20-23, and 35; 58-61, and 73 are substantial duplicates of claims 1-4, and 16 respectively wherein the method, system, and storage medium storing a control program are all equally met by the rejections presented above. As such, these claim groups are herein rejected using the same rejections as presented for claims 1-5, and 16.

Examiner notes that claim groups 25-29; and 63-67 are substantial duplicates of claims 6-10 respectively wherein the method, system, and storage medium storing a control program are all equally met by the rejections presented above. As such, these claim groups are herein rejected using the same rejections as presented for claims 6-10.

Examiner notes that claims 37 and 75 are substantial duplicates of claim 18 wherein the method, system, and storage medium storing a control program are all equally met by the rejections presented above. As such, these claim groups are herein rejected using the same rejections as presented for claim 18.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2615

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 28, 2004



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